

**STATE OF NEW MEXICO  
BEFORE THE WATER QUALITY CONTROL COMMISSION**

**IN THE MATTER OF:  
PROPOSED AMENDMENTS TO  
STANDARDS FOR INTERSTATE AND  
INTRASTATE SURFACE WATERS,  
20.6.4 NMAC**

**No. WQCC 20-51 (R)**

**TRIAD NATIONAL SECURITY, LLC  
AND THE UNITED STATES DEPARTMENT OF ENERGY'S  
NOTICE OF PROPOSED CORRECTION TO ATTACHMENT A OF  
THE HEARING OFFICER'S REPORT**

Triad National Security, LLC and the United States Department of Energy, National Nuclear Security Administration (collectively "LANL"), in response to the Hearing Officer's request at the December 30, 2021 hearing on Amigos Bravos's Motions to Strike, hereby submit their notice of proposed correction to Attachment A of the Hearing Officer's Report, submitted November 8, 2021. LANL notes that Exhibit A of the Hearing Officer's Report does not include the corrected LANL proposed language for 20.6.4.7.T(2) NMAC or for 20.6.4.14(A) NMAC, which was submitted in LANL's Second Notice of Errata on December 10, 2021. Additionally, LANL notes that its proposed listing of "toxic pollutants" in 20.6.2.7 NMAC was not complete and that one of the PFAS compounds was incorrectly listed. For clarity and as directed by the Hearing Officer, a copy of the corrected LANL proposed definition of "toxic pollutants" and a copy of the corrected LANL final proposal to amend 20.6.4.14(A) NMAC are also attached.

1. The list of "toxic pollutants" on pages 33-35 should be revised to include acrylonitrile (CAS 107-13-1), cis-1,2-dichloroethene (cis-1,2-DCE) (CAS 156-59-2), DDT (CAS 50-29-3), and hexachlorocyclopentadiene (CAS 77-47-4), and the listing for perfluorooctanesulfonate acid (PFOS) (CAS 1763-23-1) should be corrected to perfluorooctane sulfonate (PFOS) (CAS 1763-23-1).

2. Footnote 3 on page 33 should be revised to read:

For purposes of 20.6.4 NMAC, toxic pollutants listed in 20.6.2.7 NMAC only apply to waters with a domestic water supply designated use, with the exception of the PFAS compounds listed above.

3. On page 59, paragraph 3 and page 69, paragraph 1, the second sentence in LANL proposed 20.6.4.14(A) NMAC should be revised to include “or pollutant parameters” immediately after “pollutants.” As a result, the second sentence of LANL’s proposed 20.6.4.14(A) NMAC should read in full:

In the case of pollutants or pollutant parameters for which there are no approved methods under 40 CFR Part 136, analysis shall be conducted according to a test procedure specified in the applicable permit or 401 certification.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I hereby certify that on January 5, 2022, a true and correct copy of the foregoing *Triad National Security, LLC and the United States Department of Energy's Notice Of Proposed Correction To Attachment A of the Hearing Officer's Report* was served via electronic mail to the following:

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/s/ Louis W. Rose

Louis W. Rose

1 **LANL'S CORRECTED FINAL PROPOSED AMENDMENTS TO 20.6.4.14(A) NMAC**

2  
3  
4 LANL's corrected final proposed amendments to the current 20.6.4.14(A) NMAC (sampling and  
5 analysis) are shown with additions underlined and deletions indicated by strikethrough. The  
6 correction to LANL Exhibit A, Final Proposed Amendments to 20.6.4 NMAC are shown in red.

7  
8 **TITLE 20 ENVIRONMENTAL PROTECTION**

9 **CHAPTER 6 WATER QUALITY**

10 **PART 4 STANDARDS FOR INTERSTATE AND INTRASTATE SURFACE**  
11 **WATERS**

12  
13 **20.6.4.14 SAMPLING AND ANALYSIS:**

14  
15 **A.** 40 CFR Part 136 approved methods shall be used to determine compliance with  
16 these standards and in Section 401 certifications under the federal Clean Water Act. In the case of  
17 pollutants or pollutant parameters for which there are no approved methods under 40 CFR Part  
18 136, analyses shall be conducted according to a test procedure specified in the applicable permit  
19 or 401 certification. Where 40 CFR Part 136 approved methods are not required, sampling and  
20 analytical techniques shall conform with methods described in the following references unless  
21 otherwise specified by the commission pursuant to a petition to amend these standards:

22 (1) *Guidelines Establishing Test Procedures For The Analysis Of Pollutants*  
23 *Under The Clean Water Act,"* 40 CFR Part 136 or any test procedure approved or accepted by  
24 EPA using procedures provided in 40 CFR Parts 136.3(d), 136.4, and 136.5;

25 (2) *Standard Methods For The Examination Of Water And Wastewater*, latest  
26 edition, American public health association;

27 (3) *Methods For Chemical Analysis Of Water And Waste*, and other methods  
28 published by EPA office of research and development or office of water;

29 (4) *Techniques Of Water Resource Investigations Of The U.S. Geological*  
30 *Survey*;

31 (5) *Annual Book Of ASTM Standards*: volumes 11.01 and 11.02, water (I) and  
32 (II), latest edition, ASTM international;

33 (6) *Federal Register*, latest methods published for monitoring pursuant to  
34 Resource Conservation and Recovery Act regulations;

35 (7) *National Handbook Of Recommended Methods For Water-Data*  
36 *Acquisition*, latest edition, prepared cooperatively by agencies of the United States government  
37 under the sponsorship of the U.S. geological survey; or

38 (8) *Federal Register*, latest methods published for monitoring pursuant to the  
39 Safe Drinking Water Act regulations.

**LANL'S CORRECTED FINAL PROPOSED AMENDMENTS TO 20.6.4.7.T(2) NMAC**

LANL's corrected final proposed amendments to the current 20.6.4.7.T(2) NMAC (definition of Toxic Pollutant) are shown with additions underlined and deletions indicated by strikethrough. The correction to LANL Exhibit A, Final Proposed Amendments to 20.6.4 NMAC are shown in red.

**TITLE 20 ENVIRONMENTAL PROTECTION**

**CHAPTER 6 WATER QUALITY**

**PART 4 STANDARDS FOR INTERSTATE AND INTRASTATE SURFACE WATERS**

**20.6.4.7 DEFINITIONS:** Terms defined in the New Mexico Water Quality Act, but not defined in this part will have the meaning given in the Water Quality Act.

\* \* \*

**T. Terms beginning with the letter "T".**

\* \* \*

(2) **"Toxic pollutant"** means those pollutants, or combination of pollutants, ~~including disease-causing agents, that after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will cause death, shortened life spans, disease, adverse behavioral changes, reproductive or physiological impairment or physical deformations in such organisms or their offspring.~~ listed by the EPA Administrator under section 307(a) of the federal Clean Water Act, 33 U.S.C. § 1313(a) or in the list below.

**Persistent Toxicants listed in 20.6.4.900.J NMAC**

*Antimony, dissolved (CAS 7440-36-0)*

*Arsenic, dissolved (CAS 7440-38-2)*

*Methylmercury (CAS 22967-92-6)*

*Nickel, dissolved (CAS 7440-02-0)*

*Selenium, dissolved (CAS 7782-49-2)*

*Thallium, dissolved (CAS 7440-28-0)*

*Zinc, dissolved (CAS 7440-66-6)*

*Aldrin (CAS 309-00-2)*

*Benzo(a)pyrene (CAS 50-32-8)*

*Chlordane (CAS 57-74-9)*

*4,4'-DDT (CAS number 50293)*

*4,4'-DDE (CAS number 72559)*

*4,4'-DDD (CAS number 72548).*

*Dieldrin (CAS 60-57-1)*

*Dioxin*

*Hexachlorobenzene (CAS 118-74-1)*

*Polychlorinated Biphenyls (PCBs) (CAS 1336-36-3)*

*Tetrachloroethylene (CAS 127-18-4)*

*PFAS Compounds*<sup>1</sup>

*Perfluorooctanoic acid (PFOA) (CAS 335-67-1)*

*Perfluorooctane sulfonate (PFOS) (CAS 1763-23-1)*

*Toxic Pollutants listed in 20.6.2.7 NMAC*<sup>2</sup>

*acrolein (CAS 107-02-8)*

*acrylonitrile (CAS 107-13-1)*

*benzene and alkylbenzenes*

*benzene (CAS 71-43-2)*

*toluene (methylbenzene) (CAS 108-88-3)*

*ethylbenzene (CAS 100-41-4)*

*xylene (dimethyl benzene isomers): o-xylene (CAS 95-47-6); m-xylene (CAS 108-38-3)  
and p-xylene (CAS 106-42-3)*

*styrene (ethenylbenzene) (CAS 100-42-5)*

*chlorinated benzenes*

*monochlorobenzene (CAS 108-90-7)*

*1,2-dichlorobenzene (ortho-dichlorobenzene) (CAS 95-50-1)*

*1,4-dichlorobenzene (para-dichlorobenzene) (CAS 106-46-7)*

*1,2,4-trichlorobenzene (CAS 120-82-1)*

*1,2,4,5-tetrachlorobenzene (CAS 95-94-3)*

*Pentachlorobenzene (CAS 608-93-5)*

*hexachlorobenzene (CAS 118-74-1)*

*chlorinated phenols*

*2,4-dichlorophenol (CAS 120-83-2)*

*2,4,5-trichlorophenol (CAS 95-95-4)*

*2,4,6-trichlorophenol (CAS 88-06-2)*

*pentachlorophenol (PCP) (CAS 87-86-5)*

*chloroalkyl ethers*

*bis (2-chloroethyl) ether (CAS 111-44-4)*

*bis (2-chloroisopropyl) ether (CAS 108-60-1)*

*bis (chloromethyl) ether (CAS 542-88-1)*

*1,2-dichloropropane (propylene dichloride, PDC) (CAS 78-87-5)*

*dichloropropenes (CAS 542-75-6)*

*1,4-dioxane (CAS 123-91-1)*

*halogenated ethanes*

*1,2-dibromoethane (ethylene dibromide, EDB) (CAS 106-93-4)*

*1,1-dichloroethane (1,1-DCA) (CAS 75-34-3)*

*1,2-dichloroethane (ethylene dichloride, EDC) (CAS 107-06-2)*

*1,1,1-trichloroethane (TCA) (CAS 71-55-6)*

*1,1,2-trichloroethane (1,1,2-TCA) (CAS 79-00-5)*

*1,1,2,2-tetrachloroethane (CAS 79-34-5)*

*hexachloroethane (CAS 67-72-1)*

<sup>1</sup> Pollutants listed as PFAS compounds do not apply to waters with a limited aquatic life designated use.

<sup>2</sup> For the purposes of 20.6.4 NMAC, toxic pollutants listed in 20.6.2.7 NMAC only apply to waters with a domestic water supply designated use, with the exception of the PFAS compounds listed above.

1 *halogenated ethenes*

2 *chloroethene (vinyl chloride) (CAS 75-01-4)*

3 *1,1-dichloroethene (1,1-DCE) (CAS 75-35-4)*

4 *cis-1,2-dichloroethene (cis-1,2-DCE) (CAS 156-59-2)*

5 *trans-1,2-dichloroethene (trans-1,2-DCE) (CAS 156-60-5)*

6 *trichloroethene (trichloroethylene, TCE) (CAS 79-01-6)*

7 *tetrachloroethene (perchloroethylene, PCE) (CAS 127-18-4)*

8 *halogenated methanes*

9 *bromodichloromethane (CAS 75-27-4)*

10 *bromomethane (CAS 74-83-9)*

11 *chloromethane (CAS 74-87-3)*

12 *dichlorodifluoromethane (fluorocarbon-12) (CAS 75-71-8)*

13 *dichloromethane (methylene chloride) (CAS 75-09-2)*

14 *tribromomethane (bromoform) (CAS 75-25-2)*

15 *trichloromethane (chloroform) (CAS 67-66-3)*

16 *tetrachloromethane (carbon tetrachloride) (CAS 56-23-5)*

17 *trichlorofluoromethane (fluorocarbon-11) (CAS 75-69-4)*

18 *hexachlorobutadiene (CAS 87-68-3)*

19 *isophorone (CAS 78-59-1)*

20 *methyl tertiary-butyl-ether (MTBE) (CAS 1634-04-4)*

21 *nitroaromatics and high explosives (HE)*

22 *nitrobenzene (CAS 98-95-3)*

23 *2,4-dinitrotoluene (2,4-DNT) (CAS 121-14-2)*

24 *2,6-dinitrotoluene (2,6-DNT) (CAS 606-20-2)*

25 *octahydro-1,3,5,7-tetranitro-1,3,5,7-tetrazocine (HMX) (CAS 2691-41-0)*

26 *hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX) (CAS 121-82-4)*

27 *2,4,6-trinitrotoluene (TNT) (CAS 118-96-7)*

28 *2,4-dinitro-o-cresol (CAS 534-52-1)*

29 *dinitrophenols (CAS 51-28-5)*

30 *nitrosamines*

31 *N-nitrosodiethylamine (CAS 55-18-5)*

32 *N-nitrosodimethylamine (CAS 62-75-9)*

33 *N-nitrosodibutylamine (CAS 924-16-3)*

34 *N-nitrosodiphenylamine (CAS 86-30-6)*

35 *N-nitrosopyrrolidine (CAS 930-55-2)*

36 *perchlorate (CAS 14797-73-0)*

37 *perfluorinated-chemicals (PFCs)*

38 *perfluorohexane sulfonic acid (PHHxS) (CAS 355-46-4)*

39 *perfluorooctane sulfonate (PFOS) (CAS 1763-23-1)*

40 *perfluorooctanoic acid (PFOA) (CAS 335-67-1)*

41 *pesticides*

42 *Aldrin (CAS 309-00-2)*

43 *atrazine (CAS 1912-24-9)*

44 *chlordan (CAS 57-74-9)*

45 *DDT (CAS 50-29-3)*



1 *dieldrin* (CAS 60-57-1)  
2 *endosulfan* (CAS 115-29-7)  
3 *endrin* (CAS 72-20-8)  
4 *heptachlor* (CAS 76-44-8)  
5 *hexachlorocyclohexane* (HCH, lindane): *alpha-HCH* (CAS 319-84-6); *beta-HCH*  
6 (CAS 319-85-7); *gamma-HCH* (CAS 58-89-9); and *technical-HCH* (CAS 608-73-1)  
7 *hexachlorocyclopentadiene* (CAS 77-47-4)  
8 *prometon* (CAS 1610-18-0)  
9 *toxaphene* (CAS 8001-35-2)  
10 *phenol* (CAS 108-95-2)  
11 *phthalate esters*  
12 *dibutyl phthalate* (CAS 84-74-2)  
13 *di-2-ethylhexyl phthalate* (DEHP) (CAS 117-81-7)  
14 *diethyl phthalate* (DEP) (CAS 84-66-2)  
15 *dimethyl phthalate* (DMP) (CAS 131-11-3)  
16 *polycyclic compounds*  
17 *benzidine* (CAS 92-87-5)  
18 *dichlorobenzidine* (CAS 91-94-1)  
19 *diphenylhydrazine* (CAS 122-66-7)  
20 *polychlorinated biphenyls* (PCBs) (CAS 1336-36-3)  
21 *polynuclear aromatic hydrocarbons* (PAHs)  
22 *anthracene* (CAS 120-12-7)  
23 *benzo(a)pyrene* (CAS 50-32-8)  
24 *3,4-benzofluoranthene* (CAS 205-99-2)  
25 *benzo(k)fluoranthene* (CAS 207-08-9)  
26 *fluoranthene* (CAS 206-44-0)  
27 *fluorene* (CAS 86-73-7)  
28 *naphthalene* (CAS 91-20-3)  
29 *1-methylnaphthalene* (CAS 90-12-0)  
30 *2-methylnaphthalene* (CAS 91-57-6)  
31 *phenanthrene* (CAS 85-01-8)  
32 *pyrene* (CAS 129-00-0)  
33 *thiolane 1,1 dioxide* (sulfolane) (CAS 126-33-0)  
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